

MOUNTAIN ISLAND BAY
COMMUNITY CHARTER SCHOOL
d/b/a JACKSON DAY SCHOOL and
MARINER FOUNDATION,

VS.

Defendants.

After the Court granted Defendants' motion, Plaintiffs' counsel contacted Defendants' counsel by telephone to explain that Defendants' counsel's records, *i.e.*, delivery receipts from Federal Express, indicated that service was made on all Defendants on Thursday, August 29, 2024, which was one day after the Court issued the Order, including a notice of hearing, (Doc. No. 4), and directed Plaintiffs' counsel to "immediately" serve Defendants with the Court's Order.

Specifically, the delivery receipts from Federal Express indicate that the Order was delivered to Defendants' counsel on Thursday, August 29, 2024 at 10:47 am, and it was signed for by the receptionist at Shumaker, Loop & Kendrick, LLP. *See* Exhibit A. At the time, Defendants' counsel only represented Defendants Inspire Performing Arts Company, LLC and Megan Elizabeth Zugelder May. The Order was additionally delivered to the home of Defendant Lisa Lewis on Thursday, August 29, at 2:22 pm. *See* Exhibits B and C.

The undersigned has reviewed those confirmations, conferred with the recipients of the Order, and agrees that August 29, 2024, is the date of service for the Orders, notwithstanding the information provided to the undersigned and other co-counsel at the time of filing Defendants' Motion to Continue Hearing. Defendants' counsel regrets and apologizes to the Court and to Plaintiffs and Plaintiffs' counsel for the inaccuracy and for advocating that the Court had good cause to continue the hearing on the basis of Defendants not receiving notice of the hearing until the evening of Friday, August 30, 2024. Credibility with the Court for all counsel in this matter is important, and upon Plaintiffs' counsels' request and following his review and with his permission, the undersigned files this Notice of Clarification to correct the record, including to demonstrate that Plaintiffs' counsel complied with the Court's directive to "immediately" serve the Order on Defendants.

This the 5th day of September, 2024.

Respectfully submitted,

/s/ Tricia Wilson Magee

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ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 5th day of September, 2024.

/s/ Tricia Wilson Magee

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2024, the foregoing was electronically filed via the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Tricia Wilson Magee

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